

Federal Communications Commission

DA 99-2565

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-198
Table of Allotments,)	RM-9304
FM Broadcast Stations.)	RM-9492
(Cross Plains, Jacksboro,)	RM-9548
Haskell, Snyder, Mineral Wells)	RM-9547
and Howe, Texas, and Ardmore and)	
Eldorado, Oklahoma))	
)	

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FCC MAIL SECTION

ORDER TO SHOW CAUSE

Adopted: November 10, 1999

Released: November 19, 1999

By the Chief, Allocations Branch:

1. The Commission has before it the "Joint Counterproposal and Global Resolution of MM Docket Nos. 97-26 and 97-91" filed by Heftel Broadcasting Corporation, Metro Broadcasters-Texas, Inc., Jerry Snyder and Associates, Inc. and Hunt Broadcasting, Inc. (collectively referred to as "Heftel-Hunt") in response to the Notice of Proposed Rule Making in this proceeding. 13 FCC Rcd 20965 (1998). In the Joint Counterproposal, Heftel-Hunt sets forth multiple channel substitutions including the substitution of Channel 246C1 for Channel 238C1 at Haskell, Texas, which conflicts with the Channel 245C3 allotment at Cross Plains proposed in the Notice. For the reasons discussed below, we are issuing this Order to Show Cause directed to Rolling Plains Broadcasting Corporation, licensee of Station KVRP, Channel 238C1, Haskell, Texas.

Background

2. In order to proceed with our analysis of the Joint Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this Order to Show Cause directed to Rolling Plains Broadcasting Corporation to show cause why its Station KVRP license should not be modified to specify operation on Channel 246C1 in lieu of Channel 238C1 at Haskell. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 246C1 at Haskell will both accommodate the channel

substitutions proposed in this proceeding and an overall resolution of pending MM Dockets No. 97-26 and MM Docket No. 97-91.¹ Along with the resolution of this proceeding, finalizing MM Docket Nos. 97-26 and 97-91 will provide significant public interest benefits. This will assure first local services to Lewisville and Robinson, Texas, and a net gain in service to 3,248,422 persons. In addition to also assuring new local services to Detroit, Texas, and Antlers, Oklahoma, this will avoid the necessity of a channel substitution at Hugo, Oklahoma.

3. The Station KVRP license at Haskell, Texas, can be modified to specify operation on Channel 246C1 at its existing licensed transmitter site.² Hefstel-Hunt has agreed to reimburse Rolling Plains Broadcasting Corporation for the reasonable costs incurred in connection with the change in channel of Station KVRP.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Rolling Plains Broadcasting Corporation, licensee of Station KVRP, Haskell, Texas, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 246C1 in lieu of Channel 238C1.

5. Pursuant to Section 1.87 of the Commission's Rules, Rolling Plains Broadcasting Corporation may, no later than January 11, 2000, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. The Commission may call upon either licensee to furnish additional information. If this party raises a substantial and material question of fact, a hearing may be required to resolve such question of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the party will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the proposed modifications are found to be in the public interest.

6. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Rolling Plains Broadcasting Corporation
P.O. Box 1118

¹ On August 21, 1998, we released the Report and Order in MM Docket No. 97-26 and MM Docket No. 97-91. 13 FCC Rcd 15591 (1998). In that Report and Order, we allotted Channel 294C2 to Detroit, Texas, and Channel 222C2 to Antlers, Oklahoma. In addition, we modified the construction permit of Station KECS, Channel 300C2, Gainesville, Texas, to specify operation on Channel 300C1 at Lewisville, Texas, and modified the license of Station KICI, Channel 300C1, Corsicana, Texas, to specify operation on Channel 300A at Robinson, Texas. In order to accommodate these two reallocations, we modified the construction permit of Station KJKB, Channel 299A, Jacksboro, Texas, to specify operation on Channel 237A. Thereafter, two Applications for Review and a Petition for Reconsideration were filed against that Report and Order.

² The reference coordinates for the Channel 246C1 allotment at Haskell, Texas, are 33-09-40 and 99-48-57.

Haskell, Texas 79521

7. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division**